

# EXHIBIT S

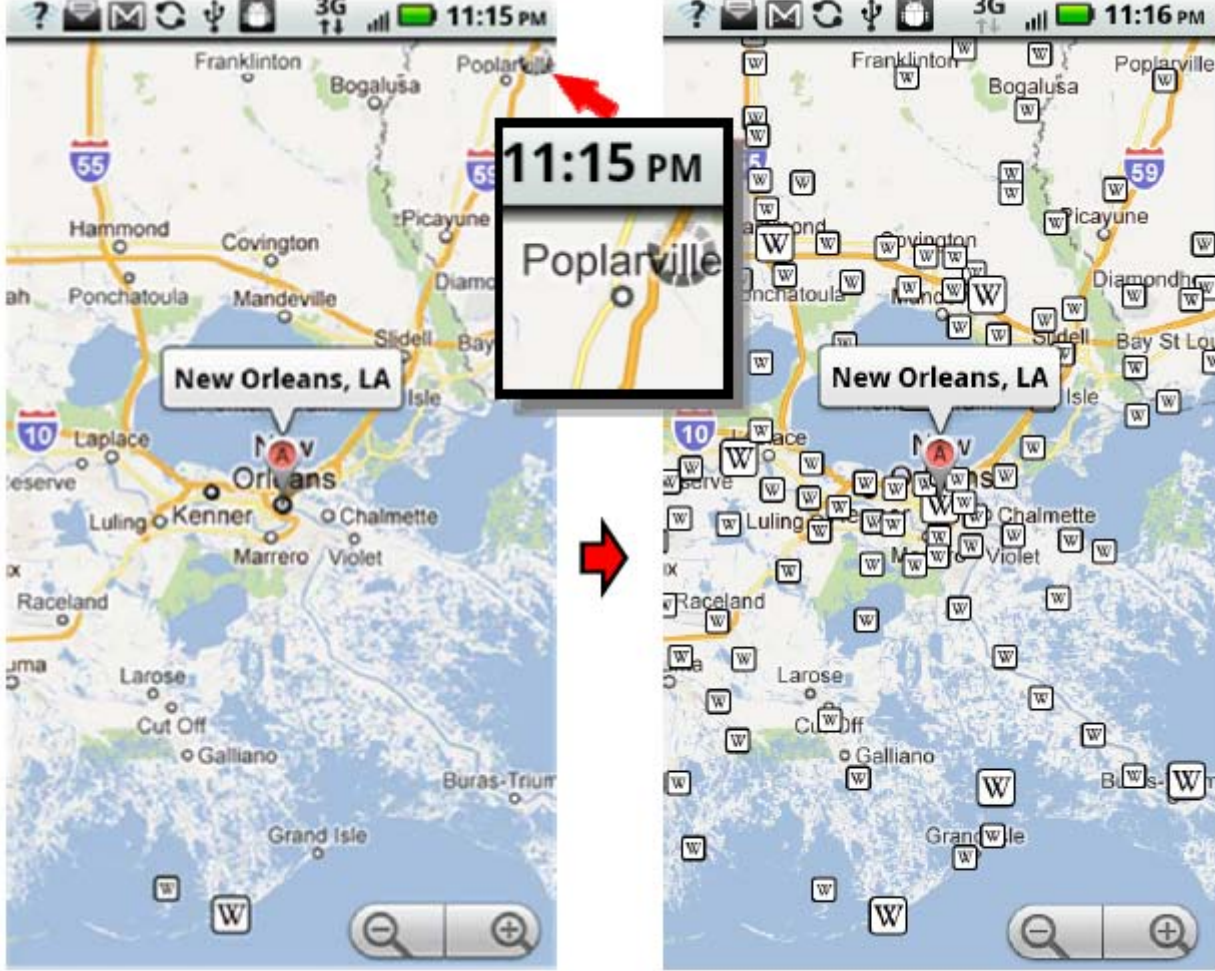
Motorola's Preliminary Noninfringement Contentions Regarding U.S. Patent 6,339,780**Claims 1-6, 9-14, 17, 18, 20, 21 and 32-42**

Claim	U.S. Patent 6,339,780	Noninfringement Contentions
1	A hypermedia browser embodied on a computer-readable medium for execution on an information processing device having a limited display area,	<p>Motorola denies that its accused products directly infringe the claims of the '780 patent. Motorola further denies that it tests its accused products in a manner that infringes the '780 patent. Additionally, Motorola denies that it indirectly infringes the '780 patent. In particular, Motorola denies that it induces its customers to use its accused products in a manner that infringes the '780 patent. Motorola also denies that it contributorily infringes the '780 patent.</p> <p>Microsoft has not demonstrated that Google Maps is a hypermedia browser. Google Maps is a proprietary application provided by Google and Motorola does not have access to its source code. Motorola presently understands the Google Maps application to be a unique application for displaying maps and is not a browser. Motorola further understands that some features of Google Maps may cause a browser to be launched, which appears to be a separate application from Google Maps. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p>
1.1	wherein the hypermedia browser has a content viewing area for viewing content and is configured to display a temporary graphic element over the content viewing area during times when the browser is loading content,	<p>To the extent Microsoft claims that Google Maps is "configured to display a temporary graphic element over the content viewing area during times when the browser is loading content," Microsoft has not identified any source code illustrating when the accused graphic is called and displayed, when it is removed from the display, and at what points in time the browser is loading content. Based upon Motorola's present understanding, the black rectangle and red circle disappears before any of the requested content is loaded. Microsoft's Infringement Contentions state "[w]hen the application is finished loading the content, the black loading rectangle disappears and the place page or Wikipedia page is displayed instead." (Microsoft's Infringement Contentions, Ex. A at 19) Thus, Microsoft, itself, appears to acknowledge that the Accused Devices are not "configured to display a temporary graphic element over the content viewing area during times when the browser is loading content." During prosecution, the applicants stated that "[t]he core concept is a non-content graphic element appearing over a content area that is indicative of present condition where content is being loaded into the content area. . . . In this case, the display of the non-content graphic element coincides with the loading of content." Microsoft has not shown that the accused Google Maps functionality operates in such a way, and therefore this claim element is not met.</p> <p>Additionally, to the extent the accused "graphic elements" identified by Microsoft are</p>

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		<p>comprised of data from “a source external to the browser,” these elements are content and, therefore, are not “graphic elements.” Upon information and belief, the graphic element illustrated in Figure 1-9 of Microsoft’s infringement contentions is generated by data external to Google Maps and does not meet this element of this claim. Microsoft’s Bing application appears to utilize the same graphic accused here. Motorola’s investigation is ongoing. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p>
1.2	wherein the temporary graphic element is positioned over the content viewing area to obstruct only part of the content in the content viewing area,	<p>To the extent the accused “graphic elements” identified by Microsoft are comprised of data from “a source external to the browser,” these elements are content and, therefore, are not “graphic elements.” Upon information and belief, the graphic element illustrated in Figure 1-9 of Microsoft’s infringement contentions is generated by data external to Google Maps and does not meet this element of this claim. Microsoft’s Bing application appears to utilize the same graphic accused here. Motorola’s investigation is ongoing. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p>
1.3	wherein the temporary graphic element is not content and wherein content comprises data for presentation which is from a source external to the browser.	<p>In its infringement contentions, Microsoft alleges that:</p> <p style="padding-left: 40px;">The black loading rectangle is not content. As defined in this Claim, content comprises data for presentation which is from a source external to the browser. The black loading rectangle is rendered by the Google Maps application itself and is not from a source external to the application. (Microsoft’s Infringement Contentions, Ex. A at 20)</p> <p>But Microsoft does not cite any evidence supporting its allegations. To the extent the accused “graphic elements” identified by Microsoft are comprised of data from “a source external to the browser,” these elements are content and, therefore, are not “graphic elements.” Upon information and belief, the graphic element illustrated in Figure 1-9 of Microsoft’s infringement contentions is generated by data external to Google Maps and does not meet this element of this claim. Microsoft’s Bing application appears to utilize the same graphic accused here. Motorola’s investigation is ongoing. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p>
2	A hypermedia browser as	This claim is not infringed for at least the reason that independent claim 1, from which this

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	recited in claim 1, wherein the browser is configured to display the temporary graphic element over the content viewing area only during times when the browser is loading visible content.	<p>claim depends, is not infringed.</p> <p>Additionally, to the extent this graphic is displayed while previous content is displayed, rather than while the content being loaded appears in the content area, this element is not met. During prosecution, the applicants stated that this claim means that “[w]hile the content is being loaded, that content is visible to the user.” (Applicants’ March 23, 2000 Amendment at 8) Motorola’s investigation is ongoing. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p>
3	A hypermedia browser as recited in claim 1, wherein the temporary graphic element indicates to a user that the browser is loading content.	<p>This claim is not infringed for at least the reason that independent claim 1, from which this claim depends, is not infringed.</p> <p>Additionally, Microsoft has not identified any source code illustrating when the accused graphic is called and displayed, when it is removed from the display, and at what points in time the browser is loading content. Based upon Motorola’s present understanding, the black rectangle and red circle disappears before any of the requested content is loaded. Microsoft’s Infringement Contentions state “[w]hen the application is finished loading the content, the black loading rectangle disappears and the place page or Wikipedia page is displayed instead.” (Microsoft’s Infringement Contentions, Ex. A at 19) Without reviewing the Google Maps source code, it is unclear what the accused graphic may indicate to a user, if anything. For example, the accused graphic may only be configured to indicate requests of the Google server. Motorola’s investigation is ongoing, but based on presently available information, Motorola denies that “the temporary graphic element indicates to a user that the browser is loading content.” Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p>
4	A hypermedia browser as recited in claim 1, wherein the temporary graphic element disappears when the browser’s loading of content is complete to indicate to a user that such loading of content is complete.	<p>This claim is not infringed for at least the reason that independent claim 1, from which this claim depends, is not infringed.</p> <p>Additionally, to the extent the accused graphic is removed from the display before the browser’s loading of content is complete, the temporary graphic element does not “disappear[] when the browser’s loading of content is complete to indicate to a user that such loading of content is complete,” and this element is therefore not met. Based upon Motorola’s present understanding, the black rectangle and red circle disappears before any of the requested content is loaded into the content area. Microsoft’s Infringement Contentions state “[w]hen the</p>

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		application is finished loading the content, the black loading rectangle disappears and the place page or Wikipedia page is displayed instead.” (Microsoft’s Infringement Contentions, Ex. A at 19) Thus, Microsoft, itself, appears to acknowledge that “the temporary graphic element disappears [before] the browser’s loading of content is complete.” Motorola’s investigation is ongoing. Motorola reserves the right to supplement its noninfringement contentions if Microsoft attempts to introduce additional evidence.
5	A hypermedia browser as recited in claim 1, wherein the temporary graphic element is animated.	<p>This claim is not infringed for at least the reason that independent claim 1, from which this claim depends, is not infringed.</p> <p>Motorola’s investigation is ongoing. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p>
6	A hypermedia browser as recited in claim 1, wherein the hypermedia browser displays the temporary graphic element in a corner of the content viewing area.	<p>This claim is not infringed for at least the reason that independent claim 1, from which this claim depends, is not infringed.</p> <p>The black box and red circle accused in claims 1-5 is not displayed “in a corner of the content viewing area,” and therefore this claim is not met by the accused black box and red circle.</p> <p>To the extent Microsoft accuses the “grey hashed circle” of infringing claim 6, Motorola, based on information presently available, denies that this accused graphic meets each of the elements of claim 1, from which claim 6 depends.</p> <p>First, the “grey hashed circle” does not “obstruct only part of the content in the content viewing area.” The “grey hashed circle” shown in Microsoft’s Figure 6 (reproduced below) does not obstruct any of the content viewing area. The entirety of “Poplarville” is visible and not obstructed.</p>

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		 <p data-bbox="1234 1193 1369 1230"><b>Figure 6</b></p> <p data-bbox="693 1247 1890 1417">Further, Microsoft has not made any allegation that Google Maps is configured to display the “grey hashed circle” “over the content viewing area during times when the browser is loading content.” During prosecution, the applicants stated that “[t]he core concept is a non-content graphic element appearing over a content area that is indicative of present condition where content is being loaded into the content area. . . . In this case, the display of the non-content</p>



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		<p>graphic element coincides with the loading of content.” Microsoft has not shown that the accused Google Maps functionality operates in such a way, and therefore this claim element is not met.</p> <p>Without reviewing the Google Maps source code, it is unclear whether Google Maps is configured to display the “grey hashed circle” “over the content viewing area during times when the browser is loading content.” For example, Google Maps may only be configured to display the “grey hashed circle” when requests are made of the Google server. Motorola’s investigation is ongoing, but based on presently available information, Motorola denies that Google Maps is configured to display the “grey hashed circle” “over the content viewing area during times when the browser is loading content.” Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p>
9	A hypermedia browser as recited in claim 1, wherein the temporary graphic element conveys status information of the browser.	<p>This claim is not infringed for at least the reason that independent claim 1, from which this claim depends, is not infringed.</p> <p>Additionally, Microsoft has not identified any source code illustrating when the accused graphic is called and displayed, when it is removed from the display, at what points in time the browser is loading content, and let alone what, if anything, it conveys. Based upon Motorola’s present understanding, the black rectangle and red circle disappears before any of the requested content is loaded. Microsoft’s Infringement Contentions state “[w]hen the application is finished loading the content, the black loading rectangle disappears and the place page or Wikipedia page is displayed instead.” (Microsoft’s Infringement Contentions, Ex. A at 19) Without reviewing the Google Maps source code, it is unclear what the accused graphic may convey, if anything. Motorola’s investigation is ongoing, but based on presently available information, Motorola denies that “the temporary graphic element conveys status information of the browser.” Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p>
10	A hypermedia browser of claim 1, wherein content is data formatted for presentation which is selected from a group consisting of visible effects of a	<p>This claim is not infringed for at least the reason that independent claim 1, from which this claim depends, is not infringed.</p> <p>Additionally, Microsoft alleges that the Google Maps application produces visual content that “is a visible effect of a markup language, visible text of such a mark up language, and visible results of a scripting language.” (Microsoft’s Infringement Contentions, Ex. A at 31) Microsoft</p>

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	markup language, visible text of such a markup language, and visible results of a scripting language.	further alleges that “[t]he Google Maps Javascript API V3 is an example of how the Google Maps application functions on a mobile device.” (Microsoft’s Infringement Contentions, Ex. A at 31) But Microsoft does not demonstrate that the code displayed in its infringement contentions is implemented in the Google Maps application. Microsoft’s Infringement Contentions do not appear to attach any source code demonstrating how the accused Google Maps application, itself, works. Because Google Maps is a proprietary application provided by Google, Motorola does not know if a markup language or scripting language is used in the Google Maps application. For this reason, Motorola denies that this element is present in the Accused Devices. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.
11	A hypermedia browser of claim 1, wherein content is data formatted for presentation which is selected from a group consisting of HTML, text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash scripting language for the world wide web.	This claim is not infringed for at least the reason that independent claim 1, from which this claim depends, is not infringed.  Additionally, Microsoft incorporates its analysis for claim 10 into its analysis of this claim. (Microsoft’s Infringement Contentions, Ex. A at 36) Similarly, because Google Maps is a proprietary application provided by Google, Motorola cannot confirm or deny Microsoft’s assertion that “this various content is selected from a group comprising at least, XML and JavaScript.” Motorola denies that Microsoft has proven its unsupported assertion. For this reason, Motorola denies that this element is present in the Accused Devices. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.
12	An information processing device comprising:	<i>See</i> claim 1.  Based on present information, Motorola admits that the Accused Devices are information processing devices.
12.1	a processor;	Based on present information, Motorola admits that the Accused Devices include a processor.
12.2	a display;	Based on present information, Motorola admits that the Accused Devices include a display.
12.3	a hypermedia browser executing on the processor to load and display content in a content viewing area on the display; wherein the hypermedia browser	<i>See</i> claim elements 1, 1.1, 1.2 and 2 above.



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	has a content viewing area for viewing content and wherein the hypermedia browser displays a temporary graphic element over the content viewing area during times when the browser is loading visible content;	
12.4	wherein the temporary graphic element is positioned only over a portion of the content viewing area and obstructs only part of the visible content in the content viewing area; and	<p><i>See</i> claims 1.2 and 2.</p> <p>Additionally, during prosecution, the applicants stated that this claim means that “[w]hile the content is being loaded, that content is visible to the user.” (Applicants’ March 23, 2000 Amendment at 8) Without reviewing the Google Maps source code, it is unclear if visible content is ever obstructed by a temporary graphic element. Microsoft’s Infringement Contentions state “[w]hen the application is finished loading the content, the black loading rectangle disappears and the place page or Wikipedia page is displayed instead.” (Microsoft’s Infringement Contentions, Ex. A at 19) Thus, Microsoft, itself, appears to acknowledge that visible content does not appear at the same time as the accused graphic. Thus, Motorola denies that this claim element is met by the accused graphic. Motorola’s investigation is ongoing. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p>
12.5	wherein the temporary graphic element indicates to a user that the browser is loading content and content comprises data for presentation which is from a source external to the browser.	<i>See</i> claim elements 1.3 and 3 above.
13	An information processing device as recited in claim 12, wherein the temporary graphic element is animated.	<p>This claim is not infringed for at least the reason that independent claim 12, from which this claim depends, is not infringed.</p> <p>Additionally, <i>See</i> claim 5.</p>
14	An information processing device as recited in claim 12,	This claim is not infringed for at least the reason that independent claim 12, from which this claim depends, is not infringed.

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	wherein the hypermedia browser displays the temporary graphic element in a corner of the content viewing area.	Additionally, <i>See</i> claim 6.
17	A hypermedia browser of claim 12, wherein content is data formatted for presentation which is selected from a group consisting of visible effects of a markup language, visible text of such a markup language, and visible results of a scripting language.	This claim is not infringed for at least the reason that independent claim 12, from which this claim depends, is not infringed.  Additionally, <i>See</i> claim 10.
18	A hypermedia browser of claim 12, wherein content is data formatted for presentation which is selected from a group consisting of HTML, text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash. scripting language for the world wide web.	This claim is not infringed for at least the reason that independent claim 12, from which this claim depends, is not infringed.  Additionally, <i>See</i> claim 11.
20	An information processing device as recited in claim 12, wherein the temporary graphic element is not content.	This claim is not infringed for at least the reason that independent claim 12, from which this claim depends, is not infringed.  Additionally, <i>See</i> claim 1.3.
21	An information processing device as recited in claim 12,	This claim is not infringed for at least the reason that independent claim 12, from which this claim depends, is not infringed.

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	wherein the temporary graphic element disappears when the browser's loading of content is complete to indicate to a user that such loading of content is complete.	Additionally, <i>See</i> claim 4.
32	A method of indicating a content "load status" of a hypermedia browser having a content viewing area for viewing content, the method comprising:	<p>Motorola denies that its accused products directly infringe the claims of the '780 patent. Motorola further denies that it tests its accused products in a manner that infringes the '780 patent. Additionally, Motorola denies that it indirectly infringes the '780 patent. In particular, Motorola denies that it induces its customers to use its accused products in a manner that infringes the '780 patent. Motorola also denies that it contributorily infringes the '780 patent.</p> <p>Microsoft has not demonstrated that Google Maps is a hypermedia browser. Google Maps is a proprietary application provided by Google and Motorola does not have access to its source code. Motorola presently understands the Google Maps application to be a unique application for displaying maps and is not a browser. Motorola further understands that some features of Google Maps may cause a browser to be launched, which appears to be a separate application from Google Maps. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p> <p>Additionally, Microsoft has not shown that Google Maps indicates the claimed "load status." This claim says that a "load status" graphic element is displayed while loading new content into the content viewing area. But Microsoft's Infringement Contentions state "[w]hen the application is finished loading the content, the black loading rectangle disappears and the place page or Wikipedia page is displayed instead." (Microsoft's Infringement Contentions, Ex. A at 19) Thus, Microsoft, itself, appears to acknowledge that the Accused Devices do not display a "load status" while loading new content into the content viewing area. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.</p>
32.1	displaying loaded content within the content viewing area of a screen of a hypermedia browser, the screen being without a "load	<p>In its Infringement Contentions, Microsoft asserts that "Google Maps displays loaded content, such as maps, points of interest, layers and place pages in the map viewing area. . . . Furthermore, this content is displayed without the presence of any 'load status' graphic element whatsoever." (Microsoft's Infringement Contentions, Ex. A at 41) But Microsoft has not</p>

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	status” graphic element, wherein a “load status” graphic element indicates a current content load status of the hypermedia browser;	identified what is meant by “load status.” Nor has Microsoft identified any Google Maps source code. Thus, it is unclear what the accused graphic may indicate to a user, if anything. For example, the accused graphic may only be configured to indicate requests of the Google server. Moreover, indicators in the status bar may similarly be active when requests are made of the Google server. Thus, without knowing (1) how Microsoft is applying “load status” or (2) the specifics of the operation of Google Maps, Motorola denies that this element is present in the Accused Devices. Motorola’s investigation is ongoing, but based on presently available information, Motorola denies that this element is present in the Accused Devices. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.
32.2	receiving an instruction to load new content into the content viewing area;	Based on present information, Motorola admits that Google Maps may receive an instruction to load new content. Motorola does not presently have access to Google’s proprietary code, and Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.
32.3	loading such new content into the content viewing area; and	Based on present information, Motorola admits that Google Maps loads new content. Motorola does not presently have access to Google’s proprietary code, and Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.
32.4	while loading, displaying a “load status” graphic element over the content viewing area so that the graphic element obstructs only part of the content in such content viewing area; and	<p>This claim expressly requires “loading such new content into the content viewing area; and while loading, displaying a “load status” graphic element.” But in its infringement contentions, Microsoft asserts that:</p> <p style="padding-left: 40px;">The black loading rectangle is displayed over a portion of the map viewing area only during the time when the application is loading content. When the application is finished loading the place page or Wikipedia page information, the black loading rectangle disappears and the place page or Wikipedia page is displayed instead. See Figures 2-1 and 2-2, supra. Accordingly, the black loading rectangle “load status” graphic element that indicates a current content load status of the Google Maps application. (Microsoft’s Infringement Contentions, Ex. A at 41-42)</p> <p>Microsoft’s infringement contentions suggest that Google Maps does not display the accused graphic over the content viewing area while loading new content into the content viewing area.</p>

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		Thus, Motorola denies that this element is met by the accused graphic. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.  <i>Also see claim 1.1.</i>
32.5	wherein content comprises data for presentation which is from a source external to the browser.	<i>See claim 1.3.</i>
33	A method as recited in claim 32 further comprising, upon completion of the loading, removing the “load status” graphic element to reveal the part of the content in the content viewing area that the graphic element obstructed when the element was displayed.	This claim is not infringed for at least the reason that independent claim 32, from which this claim depends, is not infringed.  Additionally, for the same reason that Motorola denied that the black box and red circle was a “load status” graphic element above (in claim 32), Motorola denies that the “grey hashed circle” is a “load status” graphic element. Additionally, absent evidence that the “grey hashed circle” is displayed while loading new content into the content viewing area, Motorola also denies that this element of claim 32 is met by the “grey hashed circle.” Further, Microsoft has not shown that the “grey hashed circle” is removed “upon completion of the loading.” <i>See also</i> claim 6. Therefore, Motorola denies that this claim is met by the Accused Devices. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.
34	A hypermedia browser of claim 32, wherein content is data formatted for presentation which is selected from a group consisting of visible effects of a markup language, visible text of such a markup language, and visible results of a scripting language.	This claim is not infringed for at least the reason that independent claim 32, from which this claim depends, is not infringed.  Additionally, <i>See claim 10.</i>
35	A hypermedia browser of claim 32, wherein content is data formatted for presentation	This claim is not infringed for at least the reason that independent claim 32, from which this claim depends, is not infringed.  Additionally, <i>See claim 11.</i>

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	which is selected from a group consisting of HTML, text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash. scripting language for the world wide web.	
36	A computer-readable medium having computer-executable instructions that, when executed by a computer, perform a method of indicating a content “load status” of a hypermedia browser having a content viewing area for viewing content, the method comprising:	<i>See claim 32.</i>
36.1	displaying loaded content within the content viewing area of a screen of a hypermedia browser, the screen is without a “load status” graphic element, wherein a “load status” graphic element indicates a current content load status of the hypermedia browser;	<i>See claim 32.1.</i>
36.2	receiving an instruction to load new content into the content viewing area;	<i>See claim 32.2.</i>
36.3	loading such new content into	<i>See claim 32.3.</i>



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	the content viewing area; and	
36.4	while loading, displaying a “load status” graphic element over the content viewing area so that the graphic element obstructs only part of the content in such content viewing area; and	<i>See</i> claim 32.4.
36.5	wherein content comprises data for presentation which is from a source external to the browser.	<i>See</i> claim 32.5.
37	A hypermedia browser of claim 36, wherein content is data formatted for presentation which is selected from a group consisting of visible effects of a markup language, visible text of such a markup language, and visible results of a scripting language.	This claim is not infringed for at least the reason that independent claim 36, from which this claim depends, is not infringed.  Additionally, <i>See</i> claim 10.
38	A hypermedia browser of claim 36, wherein content is data formatted for presentation which is selected from a group consisting of HTML, text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash. scripting language for the world	This claim is not infringed for at least the reason that independent claim 36, from which this claim depends, is not infringed.  Additionally, <i>See</i> claim 11.

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	wide web.	
39	A computer-readable medium as recited in claim 36 further having additional computer-executable instructions that perform a method comprising, upon completion of the loading, removing the “load status” graphic element to reveal the part of the content in the content viewing area that the graphic element obstructed when the element was displayed.	This claim is not infringed for at least the reason that independent claim 36, from which this claim depends, is not infringed. Additionally, <i>See</i> claim 33.
40	An information processing device comprising:	<i>See</i> claim 12.
40.1	a processor;	<i>See</i> claim 12.1.
40.2	a display;	<i>See</i> claim 12.2.
40.3	a hypermedia browser executing on the processor to load and display content in a content viewing area on the display;	<i>See</i> claim elements 1, 1.1 and 1.2 above.
40.4	wherein the hypermedia browser is configured to operate in a content-loading mode and a content-loaded mode;	Microsoft has not provided any evidence that Google Maps operates in a content-loading mode and a content-loaded mode. The graphic upon which Microsoft relies to show an alleged distinction between two modes, by Microsoft’s own admission, is not tied to the completion of loading content. Therefore, it is not clear how the icon disappearing can represent two modes. Microsoft states that “during the time that the content is being loaded into the viewing area—while the black loading rectangle covers a portion of the screen—the Google Maps application is operating in a content-loading mode” (Microsoft Infringement Contentions, Ex. A at 48). But Microsoft stated that the accused graphic disappears before the content is shown. Therefore,

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		Motorola denies that this element is met by the Accused Devices. Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.
40.5	in the content-loaded mode, the hypermedia browser displays loaded content in the content viewing area and no “load status” graphic element is displayed, wherein absence of such “load status” graphic element indicates that the browser is in the content-loaded mode;	In addition to the arguments in claim element 40.4, based upon Motorola’s present understanding, the black rectangle and red circle disappears before any of the requested content is displayed. Microsoft’s Infringement Contentions state “[w]hen the application is finished loading the content, the black loading rectangle disappears and the place page or Wikipedia page is displayed instead.” (Microsoft’s Infringement Contentions, Ex. A at 19) Without reviewing the Google Maps source code, it is unclear what the accused graphic may indicate, if anything. For example, the accused graphic may only be configured to indicate requests of the Google server. Motorola’s investigation is ongoing, but based on presently available information, Motorola denies that “absence of such “load status” graphic element indicates that the browser is in the content-loaded mode.” Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence.
40.6	in the content-loading mode, the hypermedia browser loads content, displays such content in the content viewing area as it loads, and displays a “load status” graphic element over the content view area obstructing part of the content displayed in the content viewing area, wherein presence of such “load status” graphic element indicates that the browser is in the content-loading mode; and	<p>In addition to the arguments in claim elements 40.4 and 40.5, Microsoft has not shown that Google Maps “loads content, displays such content in the content viewing area as it loads, and displays a “load status” graphic element over the content view area.”</p> <p>In its infringement contentions, Microsoft asserts that:</p> <p style="padding-left: 40px;">Each Accused Motorola Device, while operating in the content-loading mode, includes a hypermedia browser that loads content, displays such content in the content viewing area as it loads, and displays a ‘load status’ graphic element over the content view area obstructing part of the content displayed in the content viewing area, wherein presence of such ‘load status’ graphic element indicates that the browser is in the content-loading mode (Microsoft infringement contentions at 49).</p> <p>This is contradicted by Microsoft’s statement that “when the application is finished loading the content information, the black loading rectangle disappears and the content is displayed instead.” This statement suggests that the newly loaded content is not displayed until after the “black loading rectangle disappears.” But this claim requires displaying new content “in the content viewing area as it loads.” Thus, this element of the claim is not met by the “black</p>

Claim	U.S. Patent 6,339,780	Noninfringement Contentions
		loading rectangle.” Motorola reserves the right to supplement its noninfringement contentions if additional information is discovered or if Microsoft attempts to introduce additional evidence. <i>See also</i> claim 1.1.
40.7	wherein content comprises data for presentation which is from a source external to the browser.	<i>See</i> claim 32.5.
41	A hypermedia browser of claim 40, wherein content is data formatted for presentation which is selected from a group consisting of visible effects of a markup language, visible text of such a markup language, and visible results of a scripting language.	This claim is not infringed for at least the reason that independent claim 40, from which this claim depends, is not infringed. Additionally, <i>See</i> claim 10.
42	A hypermedia browser of claim 40, wherein content is data formatted for presentation which is selected from a group consisting of HTML, text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash. scripting language for the world wide web.	This claim is not infringed for at least the reason that independent claim 40, from which this claim depends, is not infringed. Additionally, <i>See</i> claim 11.